

REMARKS/ARGUMENTS

Upon entry of the instant amendment, claims 1-5, 7-9, 11-13 are pending. Claim 1 has been amended to more particularly point out the applicant's invention. Since the Official Action mailed October 19, 2004 was under final, a Request for a Continued Exam pursuant to 37 CFR 1.114 is included herewith. It is respectfully submitted that the claims, as amended, place the application in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. §103

Claims 1, 2, 7-9, and 11-13 have been rejected under 35 U.S.C. §103 as being unpatentable over Wagner, et al., U.S. Patent No. 6,670,599 ("the Wagner, et al. patent") in view of Aronson, et al., U.S. Patent No. 6,483,862 ("the Aronson, et al. patent"). It is respectfully submitted that the instant amendment defines patentable subject matter over both the Wagner, et al. and Aronson, et al. patents. As discussed in the previous response, mailed on July 19, 2004, the Wagner, et al. patent merely illustrates the issue and not the solution. In particular, the Wagner, et al. patent discloses a light monitoring or optical detector device which is not integrated with a light generating device.

The Aronson, et al. patent discloses an integrated device in which a AlOx layer is disposed between a light emitting device and a photodetector. The AlOx layer, disclosed in the Aronson, et al. patent, is configured with a refractive index generally lower than the underlying semiconductor. As previously stated, the process controls for such a device, as disclosed in the Aronson, et al. patent, must be relatively tightly controlled in order for the photodetector to properly detect light emissions from the light emitting device.

The invention, on the other hand, recites a light detector directly in contact with a light emitting device defining an interface therebetween. As such, the invention solves the problem that arises with respect to the device disclosed in the Aronson, et al. patent. Accordingly, the need for complicated and expensive process controls are decreased in the present invention. For

all of the above reasons, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 7-9, and 11-13.

Claims 3-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Wagner, et al. patent in view of the Aronson, et al. patent in further in view of Jiang, et al., U.S. Patent No. 5,719,893 ("the Jiang, et al. patent"). The Aronson, et al. and Wagner, et al. patents have been discussed above. The Jiang, et al. patent further does not disclose a light monitoring device formed directly on top of a window formed on top of a light emitting semiconductor device.¹ As set forth in the previous response, the Jiang, et al. patent discloses a device that is relatively complex and requires relatively precise processing. For these reasons and the reasons submitted above, the Examiner is respectfully requested to reconsider and withdraw the rejection of these claims.

Respectfully submitted,

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¹ The response mailed on July 19, 2004 incorrectly states that the Jiang, et al. patent does not disclose a light monitoring device formed on top of a passivation layer. That statement should have correctly stated that the Jiang, et al. patent does not disclose a light monitoring device formed on top of a window formed by a light emitting device.